

REMARKS

Claims 1-15 are now pending in this application for which applicant seeks reconsideration.

Amendment

Claims 5, 6, and 13 have been amended in order to overcome the objections presented by the examiner.

Claims 14 and 15 stand rejected under 35 U.S.C. §101 because the claimed invention is directed toward statutory subject matter. Claims 14 and 15 have been amended so that they are directed toward a computer-readable medium storing a computer program, which the examiner has identified as statutory subject matter under 35 U.S.C. §101. Therefore, applicant respectfully requests that the rejection be withdrawn.

Applicant wishes to note that none of the above amendments change the scope of the claims, and therefore would not necessitate new grounds of rejection pursuant to MPEP §706.07(a).

Art Rejection

Claims 1-4 and 7-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Sato (U.S.P. 6,839,087.) Applicant notes that claims 10-13 are additionally rejected by the examiner in this manner, although the examiner does not explicitly state so in the Office Action.

Regarding claims 1, 7, and 10, applicant respectfully traverses the rejection. All of the claims recite the limitation that the photometric device receives the *light passing through the taking lens*. Sato discloses a photometering sensor 52, but it does not specifically disclose that the photometering sensor 52 receives light passing through the taking lens. In fact, it appears that the photometering sensor 52 is of a conventional design that receives light directly and not through the lens. For this reason alone, the reference cannot anticipate the claims.

Regarding claim 12, applicant respectfully traverses the rejection. Claim 12 recites the limitation that the image pickup apparatus is “capable of switching between a state in which light passing through the taking lens is caused to reach the photometric device” and a state in which it is not. Again, the photometric device receives the *light passing through the taking lens* in one state. As similarly stated with regard to claims 1, 7, and 10, Sato fails to disclose that its photometering sensor 52 receives light passing through the taking lens at any time, and therefore cannot disclose the above limitation.

Claims 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sato. Applicant respectfully traverses claim 14 in the same manner as the traversal of the rejection of claims 1, 7, and 10. Applicant additionally traverses claim 15 in the same manner as the traversal of the rejection of claim 12.

Conclusion

Applicant submits that claims 1-15 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

21 MAY 2007

DATE

/Marc A. Rossi/

MARC A. ROSSI

REG. No. 31,923

P.O. Box 826
ASHBURN, VA 20146-0826
703-726-6020 (PHONE)
703-726-6024 (FAX)